



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 26, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2003-1473-4
Fritz Cove

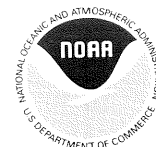
Attn: John C. Leeds III

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above application by Spuhn Island Development LLC, to discharge approximately 2,420 cys of fill material into 0.77 acres of wetlands to construct a trail system to provide vehicular access to 58 individual lots in a subdivision development on Spuhn Island near Juneau, Alaska. The activities in the Corps of Engineers jurisdiction are integral components of a larger project with associated environmental impacts.

As proposed, the trail system would allow vehicle access and provide an electrical utility conduit to a subdivision containing 63 lots. Thirty-two of these lots contain jurisdictional wetlands, and sixteen of these lots consist primarily of jurisdictional wetlands. Thus, construction of the proposed trail system could potentially result in the fill of approximately 19 additional acres of waters of the United States as building lots are developed. This activity may not be the focus of this permit application, but meets the definition of a "connected action" under 40 CFR 1508.25(a)(1)(ii) of the National Environmental Policy Act (NEPA) because it cannot or will not proceed unless the proposed action is taken previously or simultaneously.

The permit application does not adequately address the potential impacts of the permitted activity, and the overall project, to jurisdictional wetlands. The application does not address how the impacts to wetlands will be avoided, minimized, or mitigated. The application does not evaluate the cumulative impacts of the proposed action, and the applicant does not offer compensatory mitigation.



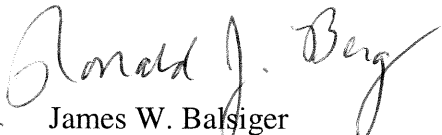

Based on the above factors, NMFS offers the following comments on this permit application:

1. The applicant should prepare an application for the complete, interconnected project, which evaluates the full range of actions, alternatives, and impacts associated with the development of the Spuhn Island subdivision. The potential adverse impact to jurisdictional wetlands resulting from activities outside the scope of this application, including operational and maintenance activities provide sufficient justification for expanding NEPA review beyond the limits of Corps jurisdiction in accordance with 33 CFR 325 Appendix B 7(b)(2).
2. An EFH assessment should be prepared in accordance with 50 CFR 600.920(e)(3) if the full scope of the project is determined to have adverse effects to Essential Fish Habitat.
3. Appropriate mitigation, as defined in 33 CFR 320.4(r), should be incorporated into the project.

In the absence of the analysis and mitigation recommended above, the application should be denied.

If you have any further questions, please contact Susan Walker at 907-586-7646.

Sincerely,


For  James W. Balsiger
Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade
ADF&G, Janet Schempf
ADEC, AADGC, ADNRR, USFWS, Juneau